REMARKS

In the final Office Action[1] mailed July 25, 2008, the Examiner rejected claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt et al. (U.S. Patent No. 7,038,820, hereafter "Kindt") in view of Clark (U.S. Patent No. 6,529,241, hereafter "Clark").

By this Amendment, Applicant proposes to amend claim 1. Support for the claim amendments can be found in the Specification at, for example, paragraphs [0085] to [0097] of this published application, and Figure 3. Claims 1-4, 18, and 19 remain pending and under consideration.

Applicant respectfully traverses the Examiner's rejection of claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt in view of Clark.

Claim 1, as amended, recites an imaging apparatus, comprising, among other things, "a photoreceptor element having an output line, the photoreceptor element sending an electric-signal level to the output line in accordance with an intensity of light received by the photoreceptor element; [and] a comparator coupled with the output line of the photoreceptor element, the comparator comparing the electric-signal level from the output line with a threshold electric-signal level, and sending an output signal when the electric-signal level crosses the threshold electric-signal level; . . . wherein the threshold electric-signal level monotonically increases from an initial threshold electric-signal level as the electric-signal level attenuates," (emphasis added). Kindt and Clark, alone or combined, fail to teach at least the claimed threshold electric-signal level

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

monotonically increasing from an initial threshold electric-signal level as the electric-signal level attenuates.

Kindt, at column 10, line 66, to column 11, line 3, states, "[t]he exposure threshold may be . . . dynamically set by changing the second reference voltage during the integration time interval," and at column 11, lines 6-8, states, "[t]he exposure threshold may be set to a level corresponding to 100% saturation, or another level such as 80% or 90% of the saturation limit for the pixels." However, Kindt does not teach or suggest how the second reference voltage is dynamically changed during the integration time interval. Further, as evident from Figure 9 of Kindt, reproduced below, reference voltage VREF2 is set as a constant value during the threshold detecting mode when reference voltage VREF1 attenuates. Accordingly, Kindt cannot teach or suggest, "wherein the threshold electric-signal level monotonically increases from an initial threshold electric-signal level when the electric-signal level attenuates," as recited in amended claim 1 (emphasis added).
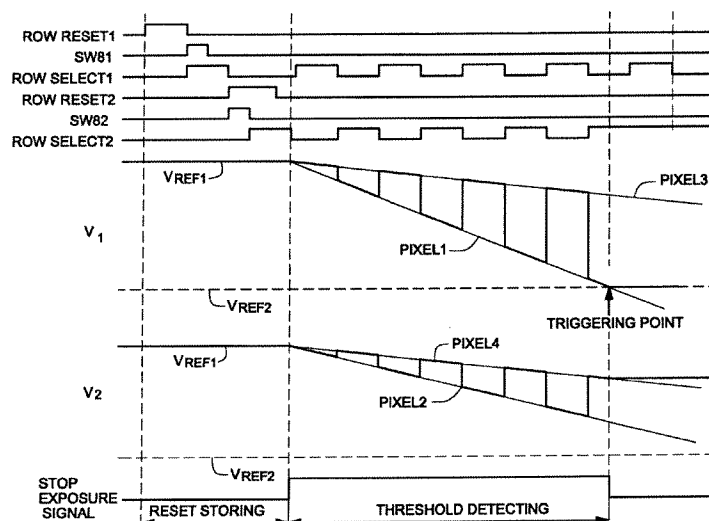

Figure 9

Clark fails to cure the deficiencies of Kindt.

Accordingly, claim 1 distinguishes over Kindt and Clark. Claims 2-4, 18, and 19 depend from claim 1, and distinguish over Kindt and Clark at least due to their dependence.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing this application in condition for allowance.

Alternatively, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.
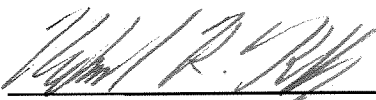
In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 27, 2008   By: _____

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